REMARKS

Claims 1-7 are pending in the present application and are rejected. Claim 1 is herein amended.

Applicant's Response to Claim Rejections under 35 U.S.C. §103

Claims 1-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Poyser et al. (U.S. Patent No. 4,654,806) in view of Eryurek et al. (U.S. Patent No. 6,839,660).

It is the position of the Office Action that Poyser discloses the invention as claimed, with the exception of explicitly disclosing storing the diagnosis results generated by the host computer on the monitoring unit. The Office Action relies on Eryurek to provide this teaching.

Poyser is directed at a method and apparatus for monitoring transformers. As illustrated simply in Figure 1, transformer monitoring system 10 includes a transformer 12, condition and load monitors 14 and 16, a data acquisition unit (microprocessor) 18 and a host computer 20. The transformer monitoring system 10 is more specifically illustrated in Figures 3A and 3B. It is noted that these Figures are intended to be laid side-by-side to show links between them, as illustrated on the cover page of Poyser. In Figures 3A and 3B, data is input from various sensors to A/D converter 120, which outputs data to the microcomputer 130. This microcomputer can control the transformers via switch 179, for example. Additionally, the microcomputer 130 is connected to a modem 154, which communicates with modem 156 connected to host computer 158. It appears that microcomputer 130 in Figures 3A and 3B corresponds to data acquisition unit 18 in Figure 1. Poyser also discloses the use of a "historical database," but does not discuss

this in detail. However, it appears that the historical database is incorporated into, or controlled by the host computer. See column 2, lines 35-40 and column 13, lines 3-6.

In the pending Office Action, the Office Action interprets "transformer monitoring unit 10" to be analogous to the claimed database server, and interprets host computer 158 to be analogous to the claimed client. In response, Applicant respectfully submits that this interpretation is improper. Poyser only discloses a transformer monitoring system 10, not a transformer monitoring unit 10. The transformer monitoring system 10 is the entire system, and includes the sensors, the microcomputer 130 and the host computer 158. Thus, the transformer monitoring system 10 cannot be a "database server." Host computer 158 cannot be connected by a network to transformer monitoring system 10, since host computer 158 is a part of the transformer monitoring system 10.

Rather, it appears that if the Office Action regards host computer 158 as being analogous to the claimed client, then microcomputer 130 should be regarded as being analogous to the claimed database server. As illustrated in Figure 3B, the microcomputer 130 and host computer 158 are connected by modems 154 and 156.

In the Office Action, it is clearly stated that "the monitoring unit does not perform any trend analysis on the transformer, this is only done on the host computer." Page 3. This trend analysis done by host computer 158 is discussed at length at column 11, line 5 to column 12, line 62.

In the Office Action, the Office Action states that one having ordinary skill would have modified Poyser by "storing the results on a centralized monitoring unit in order to provide

efficient logging of the results provided by the service provider computer, thereby ensuring that all the pertinent data is stored in one place, easily available for auditing or for review." In other words, the Office Action proposes modifying Poyser by storing diagnosis results on the microcomputer 130 (data acquisition unit 18) instead of, or in addition to, the host computer 20 or 158.

Poyser discloses that "[a] single host computer can poll the microcomputer of several transformer monitoring systems." Column 2, lines 40-41. As illustrated in Figure 1, the microcomputer interacts with data acquisition units 18 and 30 corresponding to transformers 12 and 24. Thus, by storing analysis results on the host computer 20, the pertinent data about multiple transformers is centrally stored in one place. However, the Office Action's interpretation appears to be based on the premise that the various sensors are analogous to the recited "devices," instead of the transformers being analogous to the recited "devices." As illustrated in Figure 3A, these sensors include top-oil temperature sensor 56, hot-spot temperature sensor 60, cabinet temperature sensor 64, relative corona sensor 74, gas in oil sensor 78, pressure sensor 82 and oil dielectric quality sensor 85.

In response, Applicant herein amends claim 1 in order to clarify that the database server does not "perform any functions on said diagnostic data." In the claimed embodiment, the diagnostic software is located in the client, not on the server. The database server purely serves as storage for data. This amendment is supported at least by paragraphs [0019] and [0023] and Figure 3.

On the other hand, as discussed above, the Office Action appears to interpret the microcomputer 130 as the "database server." However, the microcomputer 130 in fact performs various functions on the received data. See column 7, lines 25-68. Additionally, Eryurek discloses at column 4, lines 42-48 that the diagnostic unit 44 is "configured or programmed to collect the data generated by the sensors 46 and to perform diagnostics on that data." In contrast, the database server of the present invention merely serves to store data and diagnostic results, and does not perform any functions on the data. The database server of the present invention does not contain any software or applications to check, diagnose or perform any function on the data.

Additionally, Applicant respectfully submits that the microcomputer 130 is not a "database server." The microcomputer 130 is not disclosed to include a database, and is at best a local terminal, not a server. Furthermore, Applicant respectfully submits that one having ordinary skill in the art would not have been prompted to include storage of diagnosis results. As noted above, the microcomputer 130 does not perform trend analysis, and merely collects data and passes it to the host computer 158. It is this host computer 158 which then writes data to a historical database. See column 13, lines 3-24. The data in the historical database can apparently be provided to a utility company. In other words, the data is centrally stored into a database by the host computer 158. Thus, there is no reason to modify Poyser by storing data on the microcomputer 130, since the data on the historical database of host computer 158 is centrally stored and accessible to others.

Applicant respectfully submits that the prompting to modify Poyser would not come from Eruyek. In Eruyek, the service computer 74 may "send a verification or other information

regarding the detected condition to one of the host computers 24." Column 6, lines 37-39. First,

Eruyek only discloses sending this data for *verification*. There is no disclosure the after the data

is verified, it is *stored*. Additionally, these service computers 24 are not analogous to the

microcomputer 130 of Poyser, since they do not acquire data. Thus, one having ordinary skill in

the art would not have been prompted to add storage of diagnosis results to the microcomputer

130.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that

the cited art does not disclose or suggest the invention as recited by present claim 1, and all

claims dependent thereon. Favorable reconsideration is respectfully requested.

Claims 5 and 6

Additionally, Applicant notes that with respect to claims 5 and 6, the Office Action takes

Official Notice that "the concepts and advantages of providing screens specific to routines as

well as common to all routines is well known and expected in the art."

Official notice without documentary evidence to support an examiner's conclusion is

permissible only in some circumstances. While "official notice" may be relied on, these

circumstances should be rare when an application is under final rejection or action under 37 CFR

1.113. Official notice unsupported by documentary evidence should only be taken by the

examiner where the facts asserted to be well-known, or to be common knowledge in the art are

capable of instant and unquestionable demonstration as being well-known. It would not be

appropriate for the examiner to take official notice of facts without citing a prior art reference

where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21. See also *In re Grose*, 592 F.2d 1161, 1167-68, 201 USPQ 57, 63 (CCPA 1979).

Accordingly, Applicant respectfully traverses the Office Action's assertion of Official Notice with regard to the features of claims 5 and 6. Applicant submits that the recited structure of the human-machine interface including the diagnostic navigators and diagnostic tool are not capable of instant and unquestionable demonstration. The Office Action misconstrues the recited subject matter to simply be common screens. Rather, the claims recite the structure and operation of the diagnostic navigator 16 and the diagnostic tool 17 discussed at page 12, line 10 to page 13, line 14. Additionally, the taking of Official Notice neglects that the diagnostic navigator starts up the diagnostic tool. Applicant respectfully demands that if the rejection is to be maintained in the next Office Action, if issued, that documentary evidence be provided to support the holding of Official Notice concerning the claimed features.
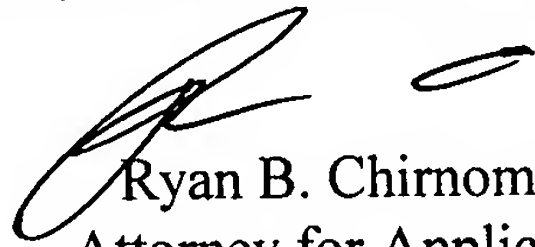
For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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